

BOARD OF APPEALS CASE NO. 4921

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BEFORE THE

APPLICANTS: John & Lisa Scarborough

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ZONING HEARING EXAMINER

**REQUEST: Variance to locate a shed
within the required front yard setback
in an R2 District; 844 Albion Place, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 5/5/99 & 5/12/99

HEARING DATE: June 30, 1999

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Record: 5/7/99 & 5/14/99

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ZONING HEARING EXAMINER'S DECISION

The Applicants, John & Lisa Scarborough, are requesting a variance to Section 267-26(C)(2) of the Harford County Code, to allow a shed within the required front yard setback in an R2/COS District.

The subject parcel is located at 844 Albion Place in the Third Election District. The parcel is identified as Parcel No. 540, in Grid 4-D, on Tax Map 41. The parcel contains .083 acres, more or less, all of which is zoned R2/COS.

Mr. John Scarborough appeared and testified that he is requesting a variance for an existing shed with dimensions of 6 feet by 6 feet by 8 feet tall. The witness said the shed is used for storage and is located under the existing deck against the rear of his townhouse. The witness said the subject parcel is unique because it has frontage on Albion Place and Crescent Knoll Drive. Mr. Scarborough said that the townhouse faces Albion Place and he is requesting the variance to allow the shed to the rear of the dwelling facing Crescent Knoll Drive. The Applicant said that he will maintain a 25 foot setback and that the property is unique because he is required to comply with two front yard setbacks, thereby reducing the usable area on the parcel. The witness said he did not feel that approval of the variance will be detrimental to adjacent properties or materially impair the purpose of the Code because he has received approval from the homeowner's association to locate his shed under his deck. The Applicant has also submitted two letters from adjacent property owners indicating they do not object to the Applicants' shed and also because there are other sheds within the immediate area.

Case No. 4921 - John & Lisa Scarborough

The Staff Report of the Department of Planning and Zoning recommends conditional approval and provides:

"The requested variance is considered minor in nature and should have little or no adverse impact on the adjacent lots and/or the intent of the Code."

CONCLUSION:

The Applicants are requesting a variance to Section 267-26(C)(4) of the Harford County Code to allow a shed within the required front yard setback in an R2/COS District.

Section 267-26(C)(4) provides:


"No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages as specified in §267-23C, Exceptions and modifications to minimum yard requirements."

The testimony indicates that the subject parcel has frontage on Albion Place and Crescent Knoll Drive and, therefore, the Applicants are required to maintain two front yard setbacks, which reduces the usable area on the parcel. No evidence was introduced to indicate that approval of the variance would be detrimental to adjacent properties or materially impair the purpose of the Code and the evidence indicates that the homeowner's association has approved the location of the shed under the Applicants' deck and adjacent neighbors have submitted letters indicating that they do not object to the request.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant in his testimony and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the condition that the Applicants obtain all necessary permits and inspections for the shed.

Date JULY 20, 1999



L. A. Hinderhofer
Zoning Hearing Examiner